IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.4583 of 1998

Between:

J. Purushotham, S/o J. Perumalchetty,
Thorrur village, Chittoor district.

..... PETITIONER

AND

1 Industrial Tribunal-cum-Labour Court,

rep. by its Presiding Officer,
Anantapur
2 The Depot Manager, A.P.S.R.T.C.
Puttur depot.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of certiorari and after calling for the records, quash the award of the Labour Court in I.D.No.103/92 dt. 27-10-95.

Counsel for the Petitioner: Mr. G.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Mr. Y. VIVEKANANDA SWAMY

The Court made the following :

ORAL ORDER:

This Writ Petition is filed being aggrieved by the Award passed by the Industrial Tribunal-cum-Labour Court, Anantapur in I.D.No.103 of 1992, dated 27-10-1995 wherein the dispute raised by the petitioner was dismissed without granting any relief.

It is the case of the petitioner that he was inflicted with a punishment of stoppage of two increments with cumulative effect without there being any basis. No enquiry was conducted before imposing the punishment and even assuming that the charges are proved, the punishment imposed was disproportionate to that of the misconduct alleged.

I have given my earnest consideration to the submissions made by the learned counsel on either side and perused the entire material made available on record including the impugned Award.

The Labour Court while considering the matter as to the misconduct alleged against the petitioner, basing on the material made available on record, came to the conclusion that there was no plausible explanation on the part of the workman as to the difference in the number of passengers travelling and the number of tickets

issued according to the S.R. The Labour Court also considered the proportionality of punishment and observed that the appellate authority itself took a lenient view duly considering the facts and the punishment awarded by the disciplinary authority. Therefore, the Labour Court refused to grant any further relief and dismissed the I.D.

I am of considered view that the Labour Court has considered each and every aspect and rightly held that the charges levelled against the petitioner were proved.

It is also stated that no detailed enquiry was conducted into the matter while imposing the major penalty of stoppage of two increments with cumulative effect and that seems to be the factual position. If that is so, the entire order passed by the disciplinary authority should go and the Management should be permitted to enquire into the matter afresh. Admittedly, the misconduct attributed against the petitioner is the cash and ticket irregularities. If an enquiry is to be taken up at this stage, it may lead to some other complications. Therefore, this Court feels that this litigation can be given a quietus here itself just by modifying the order passed by the disciplinary authority. Since the petitioner already suffered the said punishment for more than one and half decades and to meet the ends of justice, the punishment imposed by the disciplinary authority as confirmed by the appellate authority shall be limited to 15 years from 19-12-1989 and the same shall be revoked with effect from 19-12-2004 and thereafter, the petitioner is entitled for restoration of the said two increments. The petitioner is also entitled for the arrears of increments form 19-12-2004.

The Writ Petition is allowed to the extent indicated above. No costs.

27-6-2005

prk

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the Monday, Twenty Seventh day of June Two thousand and Five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Presiding Officer, Industrial Tribunal-cum-Labour Court,

Anantapur.
2. The Depot Manager, A.P.S.R.T.C.,
Puttur depot.

3. 2 CCs to Government Pleader for Labour, High Court Buildings, Hyderabad (OUT).

4. CD copies